

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1447 be amended to read as follows:

1 Page 9, between lines 15 and 16, begin a new paragraph and insert:
2 "SECTION 13. IC 6-1.1-12-2, AS AMENDED BY P.L.144-2008,
3 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 2009 (RETROACTIVE)]; Sec. 2. (a) Except as provided
5 in section 17.8 of this chapter and subject to section 45 of this chapter,
6 a person who desires to claim the deduction provided by section 1 of
7 this chapter must file a statement in duplicate, on forms prescribed by
8 the department of local government finance, with the auditor of the
9 county in which the real property, mobile home not assessed as real
10 property, or manufactured home not assessed as real property is
11 located. With respect to real property, the statement must be filed
12 **during before January 10 of the year that immediately succeeds** the
13 year for which the person wishes to obtain the deduction. With respect
14 to a mobile home that is not assessed as real property or a
15 manufactured home that is not assessed as real property, the statement
16 must be filed during the twelve (12) months before March 31 of each
17 year for which the individual wishes to obtain the deduction. The
18 statement may be filed in person or by mail. If mailed, the mailing must
19 be postmarked on or before the last day for filing. In addition to the
20 statement required by this subsection, a contract buyer who desires to
21 claim the deduction must submit a copy of the recorded contract or
22 recorded memorandum of the contract, which must contain a legal
23 description sufficient to meet the requirements of IC 6-1.1-5, with the
24 first statement that the buyer files under this section with respect to a

particular parcel of real property. Upon receipt of the statement and the recorded contract or recorded memorandum of the contract, the county auditor shall assign a separate description and identification number to the parcel of real property being sold under the contract.

(b) The statement referred to in subsection (a) must be verified under penalties for perjury, and the statement must contain the following information:

(1) The balance of the person's mortgage or contract indebtedness on the assessment date of the year for which the deduction is claimed.

(2) The assessed value of the real property, mobile home, or manufactured home.

(3) The full name and complete residence address of the person and of the mortgagee or contract seller.

(4) The name and residence of any assignee or bona fide owner or holder of the mortgage or contract, if known, and if not known, the person shall state that fact.

(5) The record number and page where the mortgage, contract, or memorandum of the contract is recorded.

(6) A brief description of the real property, mobile home, or manufactured home which is encumbered by the mortgage or sold under the contract.

(7) If the person is not the sole legal or equitable owner of the real property, mobile home, or manufactured home, the exact share of the person's interest in it.

(8) The name of any other county in which the person has applied for a deduction under this section and the amount of deduction claimed in that application.

(c) The authority for signing a deduction application filed under this section may not be delegated by the real property, mobile home, or manufactured home owner or contract buyer to any person except upon an executed power of attorney. The power of attorney may be contained in the recorded mortgage, contract, or memorandum of the contract, or in a separate instrument.

Page 18, line 19, strike "on or before December 31 of" and insert **"during"**.

Page 18, line 19, after "year" insert **"or before January 10 of the immediately succeeding calendar year"**.

Page 18, line 32, strike "calendar year that".

Page 18, line 32, strike "succeeds".

Page 18, line 33, strike "the" and insert **"succeeding"**.

Page 289, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 250. [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)] **(a) A sales disclosure form filed in January 2009, with respect to a real property conveyance in 2008,**

1 **constitutes an application for one (1) or more of the deductions**
2 **listed in IC 6-1.1-12-44(a), as amended by this act, with respect to**
3 **the real property in the manner the sales disclosure form would**
4 **have served as a deduction application if IC 6-1.1-12-44(a), as**
5 **amended by this act, had been in effect in 2008.**

6 **(b) This SECTION expires January 1, 2010."**

7 Renumber all SECTIONS consecutively.

(Reference is to HB 1447 as printed February 20, 2009.)

Representative Clere